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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,809	10/29/2003	Shinya Yuda	520.43233X00	4543

20457 7590 08/24/2004

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EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,809

Applicant(s)

YUDA ET AL.

Examiner

Ryan A. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 3, 4, 5, and 10 are objected to because of the following informalities:

Claim 1 recites that the "judging" is "based upon the databases". It is not clear if this is the first database, second database, or both. Claim 1 already recites that the judging is based upon the standardization parameter data, which resides in the second database.

Claim 3 recites the limitation "the databases" in line 4. This limitation should be changed to "the first database" since the second database does not contain "numerals representing contours of the parts".

Claim 4 recites the limitation "the data" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is not clear which "data" is being referred to here.

Claim 5 recites the limitation "attributes" in line 9. This limitation should be changed to "said attributes" to make it clear that it is the attributes of the plural parts being referred to.

Claim 5 recites the limitation "the data" in line 10. It is unclear which data this limitation refers to.

Claim 5 recites the limitation "the database" in line 11. It is unclear which database this limitation refers to.

Claim 10 recites the limitation "the data" in line 2. This limitation should be changed to "the data of plural parts".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 8-11 are rejected under 35 U.S.C. 101 because:

Regarding claim 8, a method is recited which does not require computer implementation or use of technology to accomplish. Consequently, the method would not produce repeatable, concrete results since subjective human decision is involved. Claims 9 and 10 depend from claim 8 and incorporate the same deficiency. The "method" of claim 8 should be amended to recite "computer-implemented method".

Regarding claim 11, the computer program is not tangibly embodied on or in some form of computer readable medium, thus the claim is non-statutory. Claim 11 should be amended accordingly (e.g., see claim 12).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

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which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "a second database storage for storing standardization parameter data that are criteria on judgment whether the plural parts are standard parts or not". According to pages 15-16 of the specification, this "standardization parameter data" comprises one of actual production quantity, cost of processing, or purchase price of the different parts with respect to their part numbers. However, the specification is not enabling as to how this "standardization parameter data" is actually used as criteria for judging whether the plural parts are "standard parts" or not.

Likewise, claims 5, 8, 11, and 12 recite that the actual production quantity data of the plural parts is used to select the "standard parts". However, is it not clear from the specification how the actual production quantity data of the plural parts is used to select the "standard parts". Are parts that are produced in higher quantity given more priority, and selected over similar parts that are produced at a lower quantity?

Claims 2-4, 6, 7, 9, and 10 depend from claims 1, 5, and 8 and therefore incorporate the same deficiencies.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "nearby range data" in line 8. It is not clear what this limitation refers to. What is the "range data" nearby to? What is the "range data" in reference to?

Claim 1 recites the limitation "parameter name" in line 9. It is not clear what this limitation refers to. A parameter of what?

Claim 4 recites the limitation "the data read out by the nearby range data" in line 4. There is insufficient antecedent basis for this limitation in the claim. There is no previous mention in the claim of data being read out by the nearby range data or of what this limitation means.

Claim 4 recites the limitation "and judges whether the parameter data of the similar parts are collected to judge whether the parts are standard parts or not". This limitation is not understood.

Claim 5 recites the limitation "data of actual production of the plural parts" in line 5. This limitation is unclear and indefinite and should be changed to "data of actual production quantity of the plural parts".

Claim 5 recites the limitation "nearby range data" in line 7. It is not clear what this limitation refers to. What is the "range data" nearby to? What is the "range data" in reference to?

Claim 8 recites the limitation "nearby range data" in line 4. It is not clear what this limitation refers to. What is the "range data" nearby to? What is the "range data" in reference to?

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Claim 11 recites the limitation "nearby range data" in line 5. It is not clear what this limitation refers to. What is the "range data" nearby to? What is the "range data" in reference to?

Claim 12 recites the limitation "nearby range data" in line 6. It is not clear what this limitation refers to. What is the "range data" nearby to? What is the "range data" in reference to?

Claims 2, 3, 6, 7, 9, and 10 depend from claims 1, 5, and 8 and therefore incorporate the same deficiencies.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. As best understood, claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gear et al. U.S. Patent No. 6,625,607 (e.g., col. 2 lines 15-50, col. 3 lines 54-63).

10. As best understood, claims 1-12 are additionally rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al. US 2001/0023376 (e.g., [006]-[0015], [0033], [0034], [0039], [0042]-[0049], [0062]).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

8/20/04

Jayprakash N. Gandhi
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